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Ojai, CA. 93023
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Deborah A. Bianco, *Pro Hac Vice*
14535 Bel-Red Road, #201
Bellevue, WA. 98007
Tel: (425) 757-4500
Email: deb@biancolaw.com

Carol L. Hepburn, *Pro Hac Vice*
200 First Avenue West, Suite 550
Seattle, WA. 98110
Tel: (206) 957-7272
Fax: (206) 957-7273
Email: carol@hepburnlaw.net

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMY et al

Plaintiffs,

v.

RANDALL STEVEN CURTIS,

Defendant.

Case No: 3:19-cv-01897-VC

DECLARATION OF WILLIAM L.E. DUSSAULT
IN SUPPORT OF MOTION FOR APPROVAL OF
MINOR SETTLEMENT RE VIOLET, A MINOR

HEARING DATE:
TIME: 10:00 am
COURTROOM:

BEFORE HONORABLE MAGISTRATE JUDGE
LAURA BEELER
UNITED STATES DISTRICT COURT

DECLARATION OF WILLIAM L.E. DUSSAULT IN SUPPORT
OF MOTION FOR APPROVAL OF MINOR SETTLEMENT RE
VIOLET, A MINOR

1
2
3 I, William L.E. Dussault, declare the following:

4 1. I am an attorney with the law firm of Aiken St. Louis & Siljeg, P.S. and make this
5 declaration based on my personal knowledge and belief and am competent to testify to the facts set
6 forth herein.

7
8 2. Qualifications. I have been licensed to practice law continuously since 1972. A copy of
9 my Curriculum Vitae is attached hereto as Ex.1. I am currently licensed and in good standing in the
10 state of Washington and inactive in the State of Colorado. I have never been disciplined by any Bar
11 Association and there are no matters currently pending with any Bar Association concerning me.

12
13 3. I was appointed as a Guardian Ad Litem for Violet by the Washington State Superior
14 Court for Mason County pursuant to our Court Rule SPR 98.16W on December 21, 2015. An true and
15 correct copy of this order is attached hereto as Ex. 2.

16
17 4. Blocked Account. Pursuant the state court order a blocked account was established in
18 2016 for the deposit of funds obtained on Violet's behalf. Periodic accounting reports have been made
19 to the court since that time and orders approving each of those reports have been entered. In each order
20 approving the periodic reports the court has approved the contingent fees requested of one-third of
21 proceeds obtained and reimbursement of the costs advanced requested.

22
23 5. Appropriateness of Proposed Settlement. Over the course of this time there have been
24 several settlements of civil claims negotiated on Violet's behalf. None of these claims have proceeded
25 to trial. Through continued communication and discussion with Violet's counsel, Ms. Hepburn, and my
26 own review I am aware of the various legal and factual issues pertaining to actions under section 2255
27 of United States Code Title 18.

28 DECLARATION OF WILLIAM L.E. DUSSAULT IN SUPPORT
OF MOTION FOR APPROVAL OF MINOR SETTLEMENT RE
VIOLET, A MINOR

1 6. During the conduct of this matter and particularly during the preparation of the
2 Plaintiffs' Motion for Summary Judgment and the lead up to the final settlement conference, Violet's
3 counsel Ms. Hepburn has kept me apprised of the legal issues raised and the progress of the instant
4 litigation. Important concerns in this matter include the paucity of reported cases on the legal issues
5 raised by the claim or the affirmative defenses, the efforts necessary for collection of any judgment, the
6 likelihood of appeal of any verdict, and shielding Violet from deposition or any direct involvement in
7 this litigation. I participated in the majority of the zoom settlement conference on June 7, 2021 with
8 the court and consulted with the Plaintiffs' legal team at that time. I have reviewed the Motion for
9 Approval of Minor Settlements, the supporting declarations, and the proposed terms of settlement. I
10 have consulted with Ms. Hepburn concerning counsel's findings with regard to assets held and not held
11 by the Defendant.

14 7. In light of these issues, the particular facts of this case, and based on my knowledge of
15 settlements of other claims brought on Violet's behalf it is my professional opinion that this overall
16 settlement is fair and reasonable for Violet. I have consulted with Violet's mother who is her custodial
17 parent. She has had the opportunity to review this motion, all of the declarations and documentation
18 supporting the motion and she is in favor of the settlement being approved as set forth in this motion.

20 8. Fees and Costs Requested by Counsel. I have also reviewed the declarations of Mr.
21 Kawai, Ms. Bianco, and Ms. Hepburn concerning fees and costs. I understand that each plaintiff would
22 pay a one-third contingent fee and costs of \$[REDACTED]. This would net each plaintiff, including Violet
23 [REDACTED]. Based on all of the considerations set forth I am of the professional opinion that the
24 requested fees and costs are fair and reasonable and that the net settlement to Violet is a reasonable
25 one..

28 DECLARATION OF WILLIAM L.E. DUSSAULT IN SUPPORT
29 OF MOTION FOR APPROVAL OF MINOR SETTLEMENT RE
30 VIOLET, A MINOR

Respectfully signed and submitted this 16th day of July, 2021 at Seattle, Washington.

Willmann

DECLARATION OF WILLIAM L.E. DUSSAULT IN SUPPORT
OF MOTION FOR APPROVAL OF MINOR SETTLEMENT RE
VIOLET, A MINOR

EXHIBIT 1

AIKEN, ST. Louis & S1LJEG, P.S.

ATTORNEYS AT LAW

801 SECOND AVENUE, SUITE 1200

SEATTLE, WASHINGTON 98104

WILLIAM L.E. DUSSAULT

FACSIMILE: 206-623-5764

TELEPHONE: 206-624-2650

BILLD@AIKEN.COM

WILLIAM L. E. DUSSAULT

CURRICULUM VITAE

Emphasizing Law for Persons with Disabilities

Education and Bar Admissions

University of Washington, BA, Political Science, History, 1969

University of Washington, Juris Doctor, Law, 1972

Admitted to Washington State Bar, September, 1972

Admitted to Federal District Court, January, 1973

Admitted to United States Supreme Court, September, 1982

Admitted to Colorado State Bar, February, 2007

Memberships. Appointments

Member, American/Washington/Seattle-King County Bar Associations

Speaker, Brain Injury Association Legal Conference*, 1987 through present

Consultant, Autism Society of America (ASA), formerly National Society for Autistic Children and Adults

(NSAC):

National Professional Advisory Board, 1978-to present

Chairperson, National By-Laws Committee, 1984-1986

Co-Chair, King County Court 2009 Mandatory Settlement Guardian Ad Litem Training

Member, Washington State Bar Association Rules of Professional Conduct Committee

2003 -2004

Guest lectures, Seattle University Law School National Training for Special Education

Administrative Law Judges 2002 to 2011

Editorial Board, Journal of Positive Behavior Interventions, 1998 to 2000

Chair, National Human Rights Committee, Association for Retarded Citizens, US (ARC-US) 1989-1991

Member, American College of Legal Medicine (ACLM) 1997-1999

Member, and Vice President for Finance, Board of Directors, Brain Injury Association of

America (BIA-formerly known as National Head Injury Foundation or NHIF), 1996-2001

Contributing Editor, National Structured Settlement Trade Association "White Paper"

quarterly publication on settlements (1995-1998)

Faculty, Philip E. Heckerling Institute on Estate Planning, University of Miami School of Law, 1995

Mentor, Seattle University School of Law, 1994-1995

Consultant, Guardianship, ARC-US, 1988

Keynote Speaker, National Institute on Special Education and the Law, 1987

Vice-Chairperson, American Bar Association Family Law Committee on Mental Disability 1986-1994

Adjunct Professor, University of Washington School of Law, Disability Law 1986-1994

Wm. L. E. Dussault

Curriculum Vitae

Page 2

Member, Future Planning and Insurance Committee, ARC-US, 1986-1988

Member, Board of Directors of Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Persons (AC MRDD), 1982-1988, Executive Committee, 1986-1988

Consultant, Tourette Syndrome and the Law Workshop, 1986

Consultant, Settlement Trusts, California State Bar All Star Seminar, 1986 and 1987

Keynote speaker, faculty and Executive Board member, Pacific Northwest Special Education and the Law Conference, 1984 to 2010

Adjunct Professor, Central Washington University, Department of Special Education, 1982/1984

Consultant, ABA Guardianship/Limited Guardianship Report, 1981

Faculty, University of Washington School of Nursing: Nursing, Law and Ethics, 1978-1994

Judge Pro Tempore, Seattle Municipal Court 1977-1990

Testimony to U.S. Senate: Handicapped Children's Protective Act 1977

Former Counsel, The Association for Persons With Severe Handicaps (TASH) 1975-1995

Washington State Human Rights Commission Advisory Council for the Physically, Mentally and Sensory Handicapped, 1974-1976

Keynote speaker, Washington State "You Are the Expert" conferences for parents, 1976-1996

Executive Director, Washington State Developmental Disabilities Planning Commission, 1975-1976

Member, Washington State Superintendent of Public Instruction Committee to review and revise state Special Education Regulations 1972-1998

Governor's Committee on Employment of the Handicapped, 1972 to 1985

Washington State Special Education Commission, 1972

Washington State Legislative Review Committee, Special Education, 1972

Past President-Founder, Washington Chapter, National Academy for Elder Law Attorneys (NAELA)

Founder, Treasurer and Executive Board Member, COPAA (Council of Parent Advocates and Attorneys)

Board Member, Disability International Foundation

Consultant-Epilepsy Foundation of America-special needs estate planning-video preparation

Consultant-National Association for Down Syndrome-estate planning and special education issues

Former Editorial Board Member, Journal of the Association for Persons with Severe Handicaps (JASH)

Vice-President, Concepts for Independent Living, National Non-Profit Corporation (CIL)

Former President and current Board Member, Lifetime Advocacy Plus (aka LA+, formerly Foundation for the Handicapped), a private non-profit Guardianship and Trust agency for handicapped and elderly individuals

Faculty, Emmanuel College, Cambridge University, England, International Institute on Head Injury and the Law

Guest Lecturer, University of Oregon and Seattle University

Contract Reviewer, Department of Education, Office of Special Education Programs, Washington DC

Senior Rights Assistance Foundation of Washington, Advisory Board

Consultant to Guardianship, Advocacy and Protective Services (GAPS) Program, Oregon

Counsel, Washington Association for Persons with Disabilities

Volunteer, Washington and Colorado State Special Olympics

Director, Washington State Disabilities Political Action Committee (D-PAC)

Washington State Bar Association Civil Rights Committee

Wm. L. E. Dussault
Curriculum Vitae
Page 3

i Consultant, Bay Area Brain Injury Association* California
Consultant, Washington State Brain Injury Association*
Appointed as Litigation or Settlement Guardian ad Litem in state or federal courts in
WA, OR, AK, CO

Honors and Awards

Received 2012 Award of Merit by the Washington State Bar Association, its highest honor
Selected by Seattle Magazine as one of Seattle's top financial managers, 2010, 2011
Selected by Washington Law and Politics and Butch Blum-one of four best lawyers in Washington
State, 2003
Selected as one Washington's Best Lawyers, Washington Law & Politics 1999-2009
Life Member, National Registry, Who's Who 2001 Edition
Selected as one of Seattle's Best Lawyers, Seattle Magazine, 2001 issue
Selected as Honored Member, National Directory, Who's Who, 1994

Author ship

Co-Author, RCW 28A.13 Washington State Mandatory "Education for All" Law requiring
free appropriate public education for all children with disabilities, 1970
Author, 1975-1977 Washington State Limited Guardianship Act, RCW 11 .88 and 11.99; participant on
revisions, 1990/1991
Author, Comprehensive review of all Washington State laws affecting disabled persons (over 500 pages
of proposed legislation, with approximately 200 pages now enacted)
Co-Author, Initial Washington State Regulations on Special Education
Originating author-testamentary special needs trust-1973
Originating author-litigation special needs trust-1976
Co-Author OBRA'93 42 USC 1396p(d)(4)(a)
Authored Northwest Mutual Insurance Co. planning booklet on planning for disability
Chapter author-Legal Issues in Traumatic Brain Injury Rehab-Mark Ashley editor
Author, Best of CLE: Planning for Disability - 1985
Author, "Wills and Trusts - Future Planning Guide for the Parents and Families of Persons With
Disabilities" - 1984
Author, "Establishment and Operation of the Settlement Trust", 1988, and as amended
Co-Author, "How to Provide for Their Future", ARC-US
Author, Future Planning Guide for the Parents and Families of Persons with Disabilities, Washington ARC
Trust Fund and The Foundation for the Handicapped
Author, Numerous Law Review Articles, book chapters, seminar materials, popular articles, etc.,
concern ing:
Malpractice and ethical issues in personal injury settlements
Special Needs Settlement Trusts

"This organization, which has national and state chapters, was formerly known as the Head Injury Foundation ("HIF" - National Head Injury Foundation or NHIF, Washington State Head Injury Foundation or WasHIF, etc.)

Wm. L. E. Dussault
Curriculum Vitae
Page 4

Guardianship, Protective Services for the Disabled and the Elderly;
Special Education
Law and the Disabled
Wills and Trusts for individuals with Disability and Family
Informed Consent
Ethics and Research with Human Subjects
Advocacy
Government Benefits

Presentations on Catastrophic Personal Injury Case Settlements-Ethics and management devices,
National AAJ - WA, CA, UT, TX, OH, MT, CO, LA ,MI -AAJ formerly Trial Lawyers Associations and
Defense Research Institute

Sample Agency Consultations

State of Washington Superintendent of Public Instruction
State of Washington Developmental Disabilities Planning Council
State of Washington Protection and Advocacy Agency
State of Washington Association for Retarded Citizens
State of Washington Developmental Disabilities Residential Service Association
State of Washington Coalition for Special Education
State of Oregon Association for Retarded Citizens
State of Oregon Division of Mental Health
State of Montana Developmental Disabilities Council
State of North Dakota Department of Education
State of Kansas Department of Education
State of Colorado Department of Education
State of Tennessee Protection and Advocacy Agency
Northwest Association of Rehabilitation Industries

William L.E. Dussault, J.D.

William L.E. Dussault received his Juris Doctorate from the University of Washington School of Law in 1972. He is a member of the American Bar Association, Washington State Bar Association, Colorado State Bar Association and Seattle-King County Bar Association, and has been admitted to practice in the State of Washington (1972), U.S. Federal District Court (1973), U.S. Supreme Court (1982) and State of Colorado (2006). He maintains a private practice in Seattle with an emphasis on the rights of persons with disabilities. In 1970 Mr. Dussault was the originating author of the first state Mandatory Special Education Law-known as the "Education for All" law, as well as numerous revisions to many state's Guardianship and Conservatorship laws and the original special needs trust for use in estate planning and public benefit preservation for persons who experience disabilities. He was also the originating author of 42 U.S.C. §1396p(d)(4)(A), the federal legislation authorizing use of special needs in conjunction with continuation or establishment of eligibility for certain federal benefit programs. He is actively involved with numerous state and national groups concerned with legal issues impacting persons with disabilities, and has served as counsel to TASH, vice-chair of the American Bar Association Family Law Committee on Mental Disability, and as a legal advisor, committee member or chair for the Autism Society, ARC, UCP, BIA and the Epilepsy Foundation, among others. He was selected as one of Washington's Super Lawyers by *Washington Law & Politics* annually from 1999 through 2006, and by *Washington Law & Politics* and Butch Blum as one of the four best lawyers in Washington State in 2003. In 2013 he was awarded the Washington State Bar Association Award of Merit, the Bar's highest honor. Mr. Dussault is a frequent presenter on special education, disability rights, coordination of public benefits and private resources, estate planning for families affected by disabilities and other related topics.

EXHIBIT 2

HEARING DATE: December 21, 2015

RECEIVED & FILED

DEC 21 2015

In re the Settlement of "Violet"

NO. [REDACTED]

A Minor.

ORDER APPOINTING SETTLEMENT
GUARDIAN AD LITEM MASTER FOR
"VIOLET" TAS
CLERKS ACTION REQUIRED

THIS MATTER having come on the petition of "Violet" to appoint a Settlement Guardian Ad Litem Master and the Court having reviewed Petition for Order Appointing Settlement Guardian Ad Litem Master Pursuant to [REDACTED] and Declaration of Parent in Support of Petition for Order Appointing Settlement Guardian Ad Litem Master Pursuant to [REDACTED] this Court hereby finds that:

1. Because of the sensitive nature of the subject matter of this action, and because disclosure of her identity together with the history disclosed in this matter would be highly offensive to a reasonable person such that her personal privacy would be unreasonably invaded, it is appropriate that the minor child be known by a pseudonym herein such as "Violet".

2. William L. E. Dussault meets the requirements of [REDACTED] and he should be given independent authority to approve settlements of \$25,000 or less as they arise without bringing each individual settlement back to the court for approval.

TAS
[PROPOSED] ORDER APPOINTING
SETTLEMENT GUARDIAN AD LITEM MASTER
FOR "VIOLET" -1

CAROL L. HEPBURN, P.S.
ATTORNEYS AT LAW
200 FIRST AVENUE WEST, SUITE 550
SEATTLE, WA 98119
TEL: (206) 957-7272 / FAX: (206) 957-7273

1 THEREFORE IT IS HEREBY ORDERED THAT:

2 1. The minor child shall be known by the pseudonym "Violet" herein.

3 2. William L. E. Dussault is appointed as a Settlement Guardian Ad Litem Master
4 for the minor known as "Violet" and he shall have all of the duties, powers and
5 authorities as are granted under the [REDACTED]

6 [REDACTED] and including but not limited to the authority to
7 evaluate any settlement proposals and make recommendations to the Court as to the
8 appropriateness of such proposals and the appropriate method for managing the
9 proceeds thereof for settlement of any individual restitution request or civil matter. ~~under~~
10 ~~the amount of \$25,000.00.~~

11 3. William L. E. Dussault, as Settlement Guardian Ad Litem Master herein is
12 authorized to expend 20 hours of time in conducting his duties and initial
13 evaluation of the minor, her condition and losses and the general nature of the cases,
14 ~~and approval of settlements~~, and he may do so charging a fee at his usual hourly billing
15 rate for legal services of \$325.00 per hour. Should additional time be needed, he may
16 petition the court for authority to expend additional time for a fee.

17 4. ~~William L. E. Dussault, as Settlement Guardian Ad Litem Master herein is~~
18 ~~authorized to approve settlements of restitution requests made on behalf of the minor as~~
19 ~~described herein. Approval of the Settlement Guardian Ad Litem Master for settlements~~
20 ~~of \$25,000.00 or less shall be considered equivalent to approval by the Court.~~

21 5. Upon resolution of restitution requests ~~resulting in orders being entered~~
22 ~~awarding amounts totaling \$25,000.00~~ whether by settlement or judgment, the

23 [PROPOSED] ORDER APPOINTING
24 SETTLEMENT GUARDIAN AD LITEM MASTER
25 FOR "VIOLET" -2

26 CAROL L. HEPBURN, P.S.
27 ATTORNEYS AT LAW
28 200 FIRST AVENUE WEST, SUITE 550
SEATTLE, WA 98119
TEL: (206) 957-7272 / FAX: (206) 957-7273

1 Settlement Guardian Ad Litem Master shall prepare and present a Report to the Court
2 pursuant to [REDACTED]

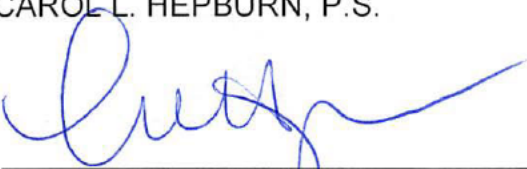
3
4 6. Counsel for Petitioner, Carol L. Hepburn is hereby authorized to continue to
5 represent and to appear as counsel on behalf of the minor "Violet" in all matters relating
6 to requests of restitution and pursuit of civil damages which may be recoverable as a
7 result of her victimization in such crimes as are at issue herein.

8 7. _____
9 _____
10 _____
11 _____

12
13 DATED this 21st day of December, 2015.
14 [REDACTED]
15 _____

16
17 PRESENTED BY:

18 CAROL L. HEPBURN, P.S.

19
20 
21 _____

22 Carol L. Hepburn, WSBA No. 8732
23 Attorneys for "Violet"

24
25
26 [PROPOSED] ORDER APPOINTING
27 SETTLEMENT GUARDIAN AD LITEM MASTER
28 FOR "VIOLET" -3

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